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November 3, 2009

Via Email & Hand Delivery

Hon. Shira A. Scheindlin  
United States District Judge  
U.S. District Court, Southern District of New York  
500 Pearl Street, Room 1620  
New York, New York 10007

Re: *City of New York, et al. v. Amerada Hess, et al.*, 04 CV 3417 (SAS)  
*In re MTBE Products Liability Litigation*, MDL 1358  
TSCA Claim

Dear Judge Scheindlin:

The City proposes to present its case in chief in support of its claim under the Toxic Substances Control Act – and perhaps the entire trial – by written submissions pursuant to FRCP 52.

The City can file its case in chief by November 20, 2009. We suggest that an appropriate response period would have Exxon Mobil file its response case in chief by December 20, with the City to file its rebuttal January 11, 2010. If the Court wants to hear oral argument – or if there is any need for live testimony (which the City does not anticipate at this time) – it could be scheduled at the Court's convenience thereafter. We do not see how oral argument, with or without live testimony, could take longer than one day.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Victor M. Sher", is written over a blue rectangular stamp that also contains the name "Victor M. Sher".

Victor M. Sher

Cc: All Counsel via LNFS & Email